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Honorable Timothy W. Dore  
Chapter 7  
Hearing Location: Seattle, Rm. 8106  
Hearing Date: May 17, 2024  
Hearing Time: 9:30 a.m.  
Response Date: May 10, 2024

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

In re:

WIRELESS ADVOCATES, LLC

Debtor.

Case No. 23-10117-TWD

**CHAPTER 7 TRUSTEE'S SIXTH  
MOTION FOR ENTRY OF AN ORDER,  
PURSUANT TO 11 U.S.C. § 365(d),  
EXTENDING TIME TO ASSUME OR  
REJECT EXECUTORY CONTRACTS**

Virginia Burdette, Chapter 7 Trustee (the "Trustee") for Wireless Advocates, LLC (the "Debtor"), files this sixth motion (the "Motion") seeking the entry of an Order, pursuant to 11 U.S.C. § 365(d), extending the Trustee's time to assume or reject certain executory contracts of the Debtor from April 15, 2024 through and including July 31, 2024, and for such other, further relief as the Court may deem just and proper, and respectfully sets forth and represents as follows:

**BACKGROUND**

1. The Debtor was a provider of wireless products and services both online and in retail locations. The Debtor's business included selling phones and services for AT&T, T-Mobile, and Verizon via kiosks in retail locations, such as Costco, and on military bases at various locations across the country.

2. On January 23, 2023, certain petitioning creditors filed an involuntary bankruptcy petition against the Debtor under chapter 7 of the Bankruptcy Code.

CHAPTER 7 TRUSTEE'S SIXTH MOTION FOR  
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365(d), EXTENDING TIME TO ASSUME OR REJECT  
EXECUTORY CONTRACTS - 1

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1           3.       On February 27, 2023, an order for relief was entered, Dkt. No. 91, and the Trustee was  
2 appointed as the trustee of the Debtor's estate pursuant to Section 701 of the Bankruptcy Code, Dkt.  
3 No. 92.

4           4.       On May 17, 2023, the Court entered an Order Granting Chapter 7 Trustee's Motion for  
5 Entry of an Order, Pursuant to 11 U.S.C § 365(d), Extending Time to Assume or Reject Executory  
6 Contracts through and including July 31, 2023, Dkt. 236.

7           5.       On August 22, 2023, the Court entered an Order Granting Chapter 7 Trustee's Second  
8 Motion for Entry of an Order, Pursuant to 11 U.S.C. § 365(d), Extending Time to Assume or Reject  
9 Executory Contracts through and including September 15, 2023, Dkt. 322.

10          6.       On October 17, 2023, the Court entered an Order Granting Chapter 7 Trustee's Third  
11 Motion for Entry of an Order, Pursuant to 11 U.S.C. § 365(d), Extending Time to Assume or Reject  
12 Executory Contracts through and including November 30, 2023, Dkt. 350.

13          7.       On January 3, 2024, the Court entered an Order Granting Chapter 7 Trustee's Fourth  
14 Motion for Entry of an Order, Pursuant to 11 U.S.C. § 365(d), Extending Time to Assume or Reject  
15 Executory Contracts through and including January 31, 2024. Dkt. 430.

16          8.       On February 21, 2024, the Court entered an Order Granting Chapter 7 Trustee's Fourth  
17 Motion for Entry of an Order, Pursuant to 11 U.S.C. § 365(d), Extending Time to Assume or Reject  
18 Executory Contracts through and including April 15, 2024. Dkt. 487.

19          9.       As of the Petition Date, the Debtor was party to more than 160 executory contracts,  
20 including software licenses, insurance agreements, and agreements related to employee benefits,  
21 among others.

22          10.       The Receiver rejected 76 executory contracts by motion filed in the Receivership Case.

23          11.       The Trustee has reviewed executory contracts, and has identified certain contracts that  
24 may be beneficial to the administration of the estate. The Trustee has engaged in negotiations regarding  
25  
26

1 the assumption and assumption and assignment of certain contracts. The Trustee has filed a motion to  
2 assume and assign one such contract already.<sup>1</sup>

3 12. While the Trustee has been working diligently to review and analyze executory  
4 contracts, there are a few contracts for which she requires additional time to determine whether  
5 assumption or rejection is in the best interest of the estate. The contracts that remain subject to the  
6 Trustee's review principally relate to the Debtor's IT infrastructure and the Trustee's ongoing efforts  
7 to preserve the Debtor's business records. The Debtor's records and those of its affiliate Car Toys,  
8 Inc. ("Car Toys") are maintained on jointly held systems. The unwinding of those systems has proved  
9 difficult. The Trustee continues to work with Car Toys on a means to preserve business records and  
10 access to them for the estate and certain of the executory contracts are important to those efforts.

11 13. Specifically, the Trustee requires additional time to analyze the executory contracts  
12 identified on the attached Exhibit A ("Executory Contracts").<sup>2</sup>

13 14. By this Motion, the Trustee respectfully requests the entry of an order pursuant to  
14 11 U.S.C. § 365(d) extending the deadline to assume or reject the Executory Contracts identified in  
15 Exhibit A through and including July 31, 2024.

### 16 EVIDENCE RELIED UPON

17 This Motion relies on the arguments set forth herein, the Declaration of Virginia Burdette filed  
18 in support of the Motion, the pleadings and records on file in this case, and the arguments of counsel,  
19 if any.

### 20 ARGUMENT

21 In recognition that the initial sixty (60) day period under 11 U.S.C. § 365(d) often imposes  
22 upon a Trustee an unrealistic and burdensome deadline, the statute gives the Court latitude to extend  
23 such period "for cause." 11 U.S.C. § 365(d); *see also In re Point Center Fin., Inc.*, 957 F.3d 990, 1000

24 \_\_\_\_\_  
25 <sup>1</sup> On August 22, 2023, the Court granted the Trustee's motion to assume and assign the UKG Inc. contract, Dkt. 321.

26 <sup>2</sup> Some of the executory contracts have been prepaid or otherwise performed and the Trustee reserves all rights with respect  
to whether such contracts remain executory. The inclusion or exclusion of a contract on Exhibit A is not an admission or  
concession that such contract is executory within the meaning of § 365 of the Bankruptcy Code.

1 (9th Cir. 2020) (“Section 365(d)(1) permits the bankruptcy court to grant a trustee ‘additional time ...  
2 for cause’” to assume or reject executory contracts). As long as the motion to extend is made within  
3 the initial 60-day period to assume or reject executory contracts, the court may, if cause is found, grant  
4 the motion after the 60-day period. *See In re Southwest Aircraft Servs, Inc.*, 831 F.2d 848, 853 (9th  
5 Cir. 1987) (“we hold that if cause for an extension arises within the 60-day period and a motion for an  
6 extension is made within that period, a bankruptcy court may, even after the 60-day period has expired,  
7 consider the debtor's motion and, if it finds there was sufficient cause at the time the motion was filed,  
8 grant the requested extension.”).

9 Here, cause exists to extend the time for the Trustee to assume or reject the Executory  
10 Contracts. The Trustee has worked diligently to analyze the Debtor’s more than 160 executory  
11 contracts, but requires additional time to analyze the few Executory Contracts identified in Exhibit A  
12 to determine which may have value and which can be rejected in an appropriate manner. The  
13 Executory Contracts principally relate to the Debtor’s IT infrastructure. The Trustee has continued to  
14 work to preserve the Debtor’s business records and maintain access to records that are essential to the  
15 administration of the estate. The Trustee efforts have been complicated, however, by the comingling  
16 of the Debtor’s records and the records of its affiliate, Car Toys. The Trustee is working to resolve  
17 these issues, and certain of the Executory Contracts may be necessary to the Trustee’s preservation  
18 and access efforts. An extension of time to assume or reject the Executory Contracts will protect and  
19 preserve the estate’s assets.

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**CONCLUSION**

Based on the foregoing, the Trustee respectfully requests the entry of an Order, pursuant to Bankruptcy Code sections 365(d)(1), extending the time to assume or reject the Executory Contracts identified in Exhibit A through and including July 31, 2024 and for such other, further and different relief as this Court may deem just and proper.

Dated this 12th day of April, 2024.

K&L GATES LLP

/s/ Ruby A. Nagamine

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*Attorneys for Virginia Burdette, Chapter 7  
Trustee*

## EXHIBIT A

1	DIGITAL FORTRESS	IT
2	MICROSOFT - AZURE CLOUD SERVICES	IT
3	MICROSOFT ENTERPRISE AGREEMENT (EA)	IT
4	MICROSOFT SERVER CLOUD ENROLLMENT (SCE)	IT
5	PALO ALTO	IT
6	VM WARE	IT
7	CISCO (SUPPORT)	IT
8	QUEST	IT

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**CERTIFICATE OF SERVICE**

The undersigned declares as follows:

That she is a paralegal in the law firm of K&L Gates LLP, and on April 12, 2024, she caused the foregoing document to be filed electronically through the CM/ECF system which caused Registered Participants to be served by electronic means, as fully reflected on the Notice of Electronic Filing.

I declare under penalty of perjury under the laws of the State of Washington and the United States that the foregoing is true and correct.

Executed on the 12th day of April, 2024 at Seattle, Washington.

/s/ Denise A. Lentz

Denise A. Lentz